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Power. of atty  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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7-14-99

RECEIVED

JUN 30 1999

TECH CENTER 1600/2900

In re application of: Cefali, Eugenio A.

Application No.: 08/962421

Filed: October 31, 1997

Group No: 1615

Examiner: James M. Spear

Title: INTERMEDIATE RELEASE NICOTINIC ACID  
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA  
WHICH EXHIBIT AN IN VIVO STAIR-STEPPED  
ABSORPTION CURVE

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

I certify that, on the date shown below, this correspondence  
is being deposited with the United States Postal Service in  
an envelope addressed to the Assistant Commissioner for  
Patents, Washington, D.C. 20231 with sufficient postage  
as first class mail.

Date: 6 - 21, 1999

*Jennifer Preuss*  
Signature  
Name: Jennifer Preuss

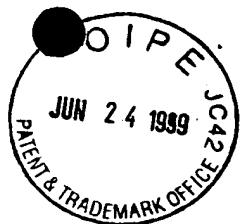
ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As Assignee of record of the entire interest of the above-identified patent application, all  
powers of attorney previously given are hereby revoked, and the following attorney is hereby  
appointed to prosecute and transact all business in the Patent and Trademark Office connected  
therewith:

Peter J. Manso, Reg. No. 32,264  
Akerman, Senterfitt & Eidson, P.A.



Attorneys at Law  
Las Olas Centre, Suite 950  
450 East Las Olas Boulevard  
Fort Lauderdale, Florida 33301-2227  
Telephone: 954-463-2700  
Facsimile: 954-463-2224

Please send all correspondence and direct all telephone calls regarding this application to  
Peter J. Manso at the address and telephone number provided above.

Attached to this Power is a "Statement Under 37 C.F.R. §3.73(b)."

A handwritten signature in black ink, appearing to read "PETER J. MANSO".

Signature

Assignee: Kos Pharmaceuticals, Inc.

Title: President & CEO

Date: June 18, 1999



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cefali, Eugenio A.  
Application No.: 08/962421  
Filed: October 31, 1997  
Group No: 1615  
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Title: INTERMEDIATE RELEASE NICOTINIC ACID  
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ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. § 3.73(b)--  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

The Assignee of the entire right, title and interest hereby seeks to take action in the PTO  
in this matter.

I, the person signing below, state that I am empowered to sign this statement on behalf of  
the Assignee. Ownership by the Assignee is established by an assignment from the inventor(s) of  
the matter identified above, which was filed in the USPTO on April 7, 1998.

A copy of the assignment as filed and the filing postcard is attached to this Statement.

A handwritten signature in black ink, appearing to read "D. M. Bell".

Signature

Assignee: Kos Pharmaceuticals, Inc.

Title: President & CEO

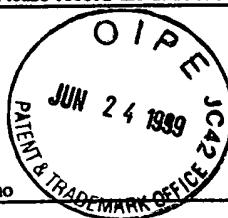
U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Eugenio A. Cefali  
5221 NW 78th Terrace  
Lauderhill, FL 33351



Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of Conveyance:

- Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: March 16, 1998

2. Name and address of receiving party(ies):

Name: Kos Pharmaceuticals, Inc.

Internal Address: 1001 South Bayshore Drive, Suite 2502  
Miami, Florida 33131

Street Address: 1001 South Bayshore Drive, Suite 2502

City Miami State FL ZIP 33131

Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

08/962,421

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Peter J. Manso

Internal Address: Jenkens & Gilchrist, P.C.  
1100 Louisiana, Suite 1800

Street Address: 1100 Louisiana, Suite 1800

City: Houston State: Texas ZIP: 77002

Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): ..... \$ 40.00

- Previously forwarded on \_\_\_\_\_  
 Enclosed  
 Authorized to be charged to deposit account. \*

\*If check is not received with this correspondence or additional fees are required, please charge to deposit account 10-0447/32892.26PJM.

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Kevin R. Hansbro  
Name of Person Signing

Kevin R. Hansbro

Signature

April 6, 1998

Date

Total number of pages comprising cover sheet: 1

**CERTIFICATE OF MAILING 37 C.F.R. 1.10**

I hereby certify that this document is being deposited with the United States Postal Service on this 6th day of April, 1998, in an envelope as "Express Mail Post Office Essee", Mailing Label No. EES074658961US, addressed to the Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231.

ture: Penny Moes Printed Name: PENNY MOSES

Title of Invention: Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia Which Exhibit An *In Vivo* Stair-Stepped Absorption Curve  
Serial No.: 08/962,421  
Date Filed: October 31, 1997

Signature of Inventor:

Inventor's Name: Eugenio A. Cefali  
Residence: 5221 NW 78th Terrace  
Lauderhill, Florida 33351  
Citizenship: USA

Date:

Eugenio A. Cefali

March 16, 1998

STATE OF FLORIDA §

COUNTY OF BROWARD §

BEFORE ME this 16<sup>th</sup> day of March, 1998, personally appeared EUGENIO A. CEFALI, known to me to be the person who is described and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein expressed.



Laurie Cote  
Notary Public

## **ASSIGNMENT OF ENTIRE INTEREST**

WHEREAS, I, the undersigned inventor, of residence as listed, having invented certain new and useful improvements as below entitled, for which application for United States Letters Patent is made, said application having been filed on the date set forth below; and

WHEREAS, KOS PHARMACEUTICALS, INC. (hereinafter referred to as "Assignee"), with an address of 1001 South Bayshore Drive, Suite 2502, Miami, Florida 33131, desires to acquire my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issued thereon;

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I assign to Assignee, all right, title and interest in and to said invention and in and to said application and all patents which may be granted therefor, and all divisions, reissues, continuations, continuations-in-part and extensions thereof; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as my interest is concerned, to Assignee.

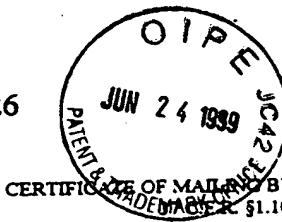
I also assign to Assignee, all right, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and I further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right title and interest in Assignee.

I will communicate to Assignee any facts known to me respecting any improvements; and, at the expense of Assignee, I will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

This Assignment shall be binding on the parties' successors, assigns and legal representatives.

Attorney Docket No. 32892.26

PATENT



I hereby certify that this paper, with its indicated enclosures, is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee", Express Mail No. EE507465890US, under 37 C.F.R. §1.10 on April 6, 1998, and is addressed to the Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

*Eugenio A. Cefali*  
\_\_\_\_\_  
Penya Moes

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eugenio A. Cefali  
Serial No.: 08/962,421  
Filing Date: October 31, 1997  
Group Art Unit: 1615  
Examiner: Unassigned  
Title: *Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia Which Exhibit An In Vivo Stair-Stepped Absorption Curve*

Box Assignments  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**PLEASE DOCKET**  
CLIENT # 6482.1 B1  
ATTY J. M. Moes

COMMUNICATION

DOCKETED

Sw. 4/17/98

file assignment 4/17/98

Dear Sir:

Enclosed are the following documents:

- Assignment of Entire Interest with Recordation Cover Sheet;
- Check in the amount of \$40.00 to cover the cost of the recordation fee; and
- Return postcard.

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, OR credit any overpayment to our Deposit Account No. 10-0447/32892.26, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Respectfully Submitted,

Date: April 6, 1998

*Kevin R. Hansbro*

Kevin R. Hansbro  
Reg. No. 38,485

Jenkens & Gilchrist, P.C.  
1100 Louisiana Street  
Suite 1800  
Houston, Texas 77002  
(713) 951-3300  
(713) 951-3314 (Fax No.)



THE STAMP OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Applicant: [REDACTED]

Attorney: [REDACTED]

Serial No.: [REDACTED]

Atty. Docket No.: [REDACTED]

Date Mailed: [REDACTED]

Due: [REDACTED]

Title: [REDACTED]

- Affidavit or  Declaration
- Application for Patent including \_\_\_\_\_ pages spec. \_\_\_\_\_ claims
- Declaration or  Oath
- Application for Intent-to-Use TM/SM
- Application for TM/SM Reg. w/specimens
- Certificate of Express Mail 37 CFR 1.10  
Express Mail No. [REDACTED]
- Information Disclosure Statement
- PTO Form 1449, \_\_\_\_\_ references
- Power of Attorney
- Req. For Filing  Continuation  Divisional Application Under 37 CFR 1.60
- Verified Statement to Establish Small Entity Status Postcard

- Check for \$ \_\_\_\_\_
- Amendment/Response To Office Action
- Brief, \_\_\_\_\_ copies
- Assignment, check for \$ [REDACTED]
- Power of Attorney by Attorney
- Certificate of Mailing Under 37 CFR 1.8(f)
- Declaration Under Section 1(a)(1)
- Drawings: \_\_\_\_\_ sheets
  - Formal or  Informal
- Issue Fee Transmittal APR 07 1998
- Notice of Appeal
- Petition for Extension of Time [REDACTED] months  
 with check [REDACTED]
- Priority Document
- Transmittal Letter (for duplicate)

[ ] Other: [REDACTED]

PM-041001a.1 00000-00000